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USDS SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #:  
 DATE FILED: 1-21-08

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January 21, 2008

January 18, 2008

VIA ECF AND FACSIMILE TRANSMITTAL  
 (212) 805-6304

Honorable Paul A. Crotty  
 United States District Judge  
 United States District Court  
 500 Pearl Street, Room 735  
 New York, New York 10007

Re: Exp Group, LLC v. Los Compadres  
 Products Corp. and Josefa F. Perez  
 Case No. 07 CV 9847

*The application is denied  
 Counsel for defendants has been aware of  
 this matter since Friday, January 11, 2008  
 but took no steps to appear or answer or  
 to engage counsel for plaintiff. Further  
 the applicable law provides that a trust is  
 imposed in the sale proceeds of pendente  
 litis real property. Defendant has  
 offered no explanation at all as to  
 why the trust funds are  
 in these circumstances  
 the Court will decline  
 this application for a  
 modification.*

Dear Judge Crotty:

This firm is counsel for Defendants, Los Compadres Products Corp. and Josefa F. Perez in the above referenced matter. Based on Ms. Perez's prior failure to appear in this matter, by Order dated January 17, 2008, following a hearing, you ordered that the U.S. Marshal of the Southern District of New York hold Ms. Perez in custody "until bond in the amount of \$100,000.00 has been posted, unless modified by further order of the Court." Please accept this letter as an application on behalf of Ms. Perez for a modification of the bond amount from \$100,000.00 to \$50,000.00.

Since entry of the Order, Ms. Perez's family exhausted every resource to gather the assets necessary to post a \$100,000.00 bond. That effort proved unsuccessful. However, based on the willingness of relatives and friends of Ms. Perez to let their assets be used as collateral, on January 18, 2008, Ms. Perez was able to secure a \$50,000.00 bond. (A copy of the bond that Ira Judelson, bail bondsman, is prepared to file with the Court in the sum of \$50,000.00 is annexed hereto.)

Upon being notified of the foregoing, we contacted counsel for the Plaintiff, Paul G. Gentile, Esq., and asked that he consent to a reduction in the amount of the bond from \$100,000.00 to \$50,000.00. Mr. Gentile declined absent Ms. Perez agreeing to certain conditions that we found unacceptable.

*So ordered  
 Paul G. Gentile  
 CSJS*

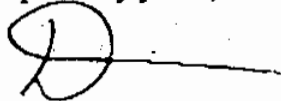
MEMO ENDORSED

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Honorable Paul A. Crotty  
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Under the circumstances, we believe that the requested modification of the Order is in the interests of fairness and justice. In addition, Ms. Perez's release from custody will enable her to participate in our preparation for the conference scheduled for January 24, 2008.

Respectfully yours,



Marc A. Pergament

MAP:kg

cc: VIA ECF AND FACSIMILE TRANSMITTAL  
(212) 619-3626  
Paul G. Gentile, Esq.  
Gentile & Dickler, LLP  
261 Madison Avenue  
New York, New York 10016

Undertaking Code 568-531

## UNDERTAKING OF BAIL

STATE OF NEW YORK  
COUNTY OF NY

(UNDERTAKING BEFORE INDICTMENT)

AN ORDER HAVING BEEN MADE on the \_\_\_\_\_ day of \_\_\_\_\_  
by HON.that Josephine Perez  
(Defendant)

be held to answer upon a charge of \_\_\_\_\_

(UNDERTAKING AFTER INDICTMENT)

AN INDICTMENT HAVING BEEN FOUND on \_\_\_\_\_ day of \_\_\_\_\_  
in the \_\_\_\_\_ Court, \_\_\_\_\_ County, charging \_\_\_\_\_  
(Defendant)

with the crime of \_\_\_\_\_

AND he having been duly admitted to bail in the sum of \$ \_\_\_\_\_

WE, \_\_\_\_\_ of \_\_\_\_\_  
(Defendant) (Address)occupation \_\_\_\_\_ and INTERNATIONAL FIDELITY INSURANCE COMPANY  
of One Newark Center, 20th Floor, Newark, N.J., hereby undertake, jointly and severally, that the above namedJosephine Perez  
(Defendant) shall appear and answer the charge above mentioned, inwhatever court it may be prosecuted, and shall at all times render himself amenable to the orders and process  
of the court; and if convicted, shall appear for judgment, and render himself in execution thereof;  
or if he fails to perform either of these conditions, that we will pay the People of the State of New York, the sum ofFifty thousand (\$ 50,000) dollars.Dated: 1/1/08

## ABSENCE OF DEFENDANT

(Defendant)

INTERNATIONAL FIDELITY INSURANCE COMPANY

(through)

by IRA JUDELSON  
Attorney in factSTATE OF NEW YORK  
COUNTY OF NYOn this \_\_\_\_\_ day of January  
before me the subscriber appeared ABSENCE OF DEFENDANT  
(Defendant)knows to and to me personally known to be the same person described in and who executed the foregoing  
undertaking, and duly acknowledged that he executed the same.STATE OF NEW YORK  
COUNTY OF NYOn the \_\_\_\_\_ day of January in the year 2008  
before me personally came IRA JUDELSONwho being by me duly sworn did depose and say that he resides in the City of New York; that he is the Attorney-in-fact  
of INTERNATIONAL FIDELITY INSURANCE COMPANY the corporation described in and which executed the  
above instrument; that he knows the corporate seal of said corporation; that the seal affixed to said instrument is such  
corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name  
therein as Attorney-in-fact by his order that said Company is a corporation organized, existing, and engaged in business  
as a Surety Company under and by virtue of the Laws of the State of New Jersey, and has complied with all the  
requirements of said laws applicable to said Company and is duly qualified to act as surety under the laws of said State.\_\_\_\_\_  
Judge of the

agent  
Josephine Perez  
 STATE OF NEW YORK  
 CITY OF \_\_\_\_\_  
 COUNTY OF NY

Sworn Affidavit  
 Sect. 520.20-4  
 Criminal Procedure Code

IRA JUDELSON  
 BAIL BONDSMAN  
 299 Broadway, STE 1010  
 New York, NY 10007  
 Phone (212) 884-2400

being duly sworn, deposes and says, that he resides at \_\_\_\_\_

\_\_\_\_\_ and is an attorney in fact and agent of  
 INTERNATIONAL FIDELITY INSURANCE COMPANY the surety on the bail bond of the defendant  
 in the above entitled action.

That the consideration or compensation for becoming such surety on said bond is:

Company Premium \$ \_\_\_\_\_

Agent's Service Charge \$ \_\_\_\_\_

paid by, promised by 4 Indemnitors

That said surety, has received—has been promised—from each of the following persons:

residing at

- Flax Hays (Sister-in-law) 85 Riverside Ave Yonkers NY 10701
- Michael Clarke (Stepdaughter) 105-77 Flatlands 14 St. Brooklyn NY 11236
- Zahid Dep Raza (Sister-in-law) 95 Riverside Ave Yonkers NY 10701
- Jose Luciano (Friend) 625 N. Terrace Ave. Mt Vernon, NY 10552

as security against any loss on said bail bond, an indemnity agreement and confession of judgment and the following described collateral:

- Collateral -
- Promissory Note -
- Confession of Judgment -
- \_\_\_\_\_
- \_\_\_\_\_

That the said surety, has received—has been promised—from:

residing at

- 85 Riverside Ave Yonkers NY 10701
  - 105-77 Flatlands 14 St Brooklyn NY 11236
  - 95 Riverside Ave Yonkers NY 10701
  - 625 N. Terrace Ave Mt Vernon NY 10552
- In business as
- Self-Employed (Catering Business) 85 Riverside Ave Yonkers NY 10701
  - Prayer Director (BMS Family Health) 572 Rockaway Ave
  - Supervisor (Richmond Children Center) 99 North Broadway
  - Domestic Clerk 481 W. 135th St. Bronx NY 10461
- an agreement in writing and confession of judgment duly executed, whereby they have contracted and agree with the said surety to indemnify the said surety against any loss under said bail bond.

That the said surety has not nor has any other person, firm or corporation on its behalf, either directly or indirectly, received nor has been promised any money or other property or thing of value or consideration, nor any security, indemnity or guarantee of any kind whatsoever except as herein set forth, and except that the agent has executed a general indemnity agreement and deposited general collateral for the benefit of the surety only.

That the amount herein set forth as the consideration or compensation received, promised or agreed to be paid is the only sum of money or thing of value which has ever been received or promised by any person, firm or corporation, in writing or otherwise, as the consideration or compensation herein or for any other purpose whatsoever. No previous application for this bail has been made to \_\_\_\_\_

and denied for the following reasons:

\_\_\_\_\_ and except for such application no previous application was made.

That each of the foregoing statements are made by deponent to induce the Court to accept the said surety on the bail bond of the defendant herein, and deponent knows of his own personal knowledge that each of the foregoing statements is true, accurate and complete.

Sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_

January, 20 08